[As Reported by the Joint Select Committee]

(Words underlined or sidelined indicate the amendements suggested by the Committee, omissions are indicated by asterisks).

THE MYSORE (BOMBAY AND HYDERABAD AREAS) RELIGIOUS AND CHARITABLE INAMS ABOLITION BILL, 1973.

(L. A. Bill No. 10 of 1972)

A Bill to provide for the abolition of religious and charitable inams in the Bombay and Hyderabad Areas of the State of Mysore.

Whereas it is expedient in the public interest to provide for the abolition of religious and charitable inams in the Bombay and Hyderabad Areas of the State of Mysore and for other matters connected therewith ;

Be it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

1. **Short title, extent, application and commencement.**—(1) This Act may be called the Mysore (Bombay and Hyderabad Areas) Religious and Charitable Inams Abolition Act, 1973.

(2) It extends to the Bombay and Hyderabad Areas of the State of Mysore.

(3) It applies to inams held by or for the benefit of charitable or religious institutions in the Bombay and Hyderabad Areas of the State of Mysore but does not apply to revenue free sites granted by the State Government for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived.

(4) It shall come into force on such date as the State Government may, by notification, published in the official Gazette, appoint.

2. Definitions.—(1) this Act, unless the context otherwise requires,—

(a) " the Act " means the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964) ;

(b) " appointed date " **means the date appointed under sub-section (4) of section 1 ;**

(c) " Bombay and Hyderabad Areas " means the areas referred to in clauses (b) and (c) of sub-section (1) of section 7 of the States Re-organisation Act, 1956 (Central Act 37 of 1956) ;

(d) " Deputy Commissioner " includes any officer not below the rank of an Assistant Commissioner authorised by the State Government by notification published in the official Gazette, to exercise the powers of a Deputy Commissioner under this Act ;

(e) " inam " includes an inam village and a major inam ;

(f) " inamdar " means a religious or charitable institution owning an inam * * * * ;

(g) " inam land " means land held by or on behalf of a religious or charitable institution as an inam and includes land held as Mashruthul-Kidmat Madath-a-Mash and also lands endowed as Wakf-e-tamal and Wakf-e-nama ;

(h) " inam village " means a village or portion of a village or hamlet or khandriga held by or on behlf of religious or chritable institution as an inam ;

(i) " land records " means records maintained under the provisions of, or for purposes of the Act or any other law relevant for the purposes of this Act ;

(j) " minor inam " means an alienated holding, othre than an inam village situated in an alienated village or in an unalienated village ;

(k) " permanent tenant " means a person who under the Act is entitled to a tenancy in respect of any land used for agricultural purposes, the duration of which is co-extensive with the duration of the tenure of the inamdar, but, where the inamdar is an institution of religious worship shall not include a person rendering religious service in or maintaining the institution as a pujari, archak, mulla, kazi, mutawalli, muthsaddi, priest or holder of a similar office, by whatever name called a person rendering any service in any such institution and enjoying the benefit

of any land comprised in the inam of such institution, without paying rent as such in money or in kind to that institution in respect of such land;

(l) "protected tenant" means a tenant of any land comprised in an inam if he has held it continuously and cultivated personally for a period of not less than twelve years prior to the appointed date and includes,—

(i) in the Bombay Area, a person who was recognised to be a protected tenant under the Bombay Tenancy and Agricultural Lands Act, 1948, as was in force in that area,

(ii) in the Hyderabad Area, a person who was deemed to be a protected tenant under the Hyderabad Tenancy and Agricultural Lands Act, 1950, as was in force in that area.

prior to the coming in to force of the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962), but, where he inamdar is an institution of religious worship shall not include a person rendering religious service in or maintaining the institution as a pujari, archak, mulla, kazi, mutawalli, muthsaddi, priest or the holder of a similar office by whatever name called or a person rendering any service in any such institution and enjoying the benefits of any land comprised in the inam of such institution, without paying rent as such in money or in kind to that institution in respect of such land.

Explanation.—(1) If the tenant came to hold the land by inheritance or succession from another person or if he has held such land as a tenant and is an heir to such person, the period during which such other person held such land as a tenant shall be included in calculating the period of twelve years under thiss clause;

(2) if the tenant holding the land held, as a tenant, at any time within the twelve years before the appointed day from the same landlord in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating the period of twelve years under this clause;

(3) where any land is held by two or more persons jointly as tenants all such persons shall if any one of them cultivated and

continues to cultivate such land personally be deemed to be protected tenants in respect of such land ;

(4) if a tenant had sub-let a land on account of any temporary disability, he shall be deemed, for purposes of his acquiring rights of a protected tenant, to continue in possession and cultivate the land personally for the period of the sub-lease.

(m) " prescribed " means prescribed by rules made under this Act ;

(n) " religious or charitable inam " means grant of a village, portion of a village or land, or total or partial exemption from the payment of land revenue made to or for the benefit of a religious or charitable institution and entered as a religious or charitable inam (by whatever name called),—

(i) in the Bombay Area, in the alienation register or Inams register maintained under the law relating to land revenue ; and

(ii) in the Hyderabad Area, in the Book of Endowments maintained under the Hyderabad Endowment Regulation, 1358 Fasli or the Land Records ;

Explanation.—If any question arises whether any grant is a religious or charitable inam, such question shall be referred to the State Government whose decision shall be final.

(2) The words and expressions used, but not defined in this Act, shall have the meanings assigned to them in the Act or the Mysore Land Reforms Act, 1961 (Mysore Act 10 of 1962).

CHAPTER II

Abolition and vesting of finams in the State and its consequences

3. Abolition, vesting of inams and the consequence thereof.— (1) Notwithstanding anything contained in any contract, grant or other instrument or in any other law for the time being in force, with effect from and on the appointed date, all religious or charitable inams in the Bombay and Hyderabad Areas of the State shall stand abolished.

(2) Save as otherwise expressly provided in this Act, with effect from and on the appointed date, the following consequences shall ensure, namely :—

(a) the provisions of the Act relating to inams or alienated holdings shall be deemed to have been repealed in their application to the inam or alienated holding and the provisions of the Act and all other enactments applicable to unalienated villages or lands shall apply to the said inam or alienated holdings;

(b) all rights, title and interest vesting in the inamdar including those in all communal lands, cultivated lands, un-cultivated lands, whether assessed or not, waste lands, pasture lands, farests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries, and ferries shall cease and be vested absolutely in the State Government, free from all encumbrances;

(c) the inamdar shall cease to have any interest in the inam other than interests expressly saved by or under the provisions of this Act;

(d) all rents and land revenue including cesses and royalties accruing in respect of lands comprised in such inam on or after the appointed date shall be paid to the State Government and not to the inamdar and any payment made in contravention of this clause shall not be valid;

(e) all arrears of land revenue, whether as jodi or quit rent and cesses remaining lawfully due on the appointed date in respect of any such inam, shall after such date, continue to be recoverable from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the amount payable to such inamdar under this Act;

(f) no such inam shall be liable to attachment in execution of any decree or other process of any Court and any attachment existing on the date of vesting or any order for attachment passed before such date in respect of such inams shall cease to be in force;

(g) the State Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, muchlikas, maps, planss and other documents relating to the inam which the State Government may require for the administration thereof :

Provided that the State Government shall not dispossess any person who is personally cultivating land in the inam until the Deputy Commissioner or the Mysore Revenue Appellate Tribunal on appeal, if any, decide that such person is not actually entitled to be registered as the occupant or to be continued as a tenant under the prosions of this Act.

Explanation.—For the purpose of this proviso, a person shall be deemed to be personally cultivating any land when he contributes his own physical labour or that of the members of his family in the cultivation of that land ;

(h) the inamdar whose rights have vested in the State Government under clause (b) shall be entitled only to such amount from the State Government as provided in this Act ;

(i) the relationship of landlord and tenant shall, as between the inamdar and tenant, whether permanent, protected or otherwise, be extinguished ;

(j) the relationship of a superior holder and on inferior holder shall, as between the inamdar and the holder of a inam, be extinguised ;

(k) permanent tenants and protected tenants and other tenants in the inam and persons holding under them and holders of minor inams shall, as against the State Government, be entitled only to such rights and privileges and be subject to such conditions as are provided for by or under this Act, and any other rights and privileges which may have accrued to them shall cease and determine and shall not be enforceable against the State Government or such inamdar.

(3) Nothing contained in sub-section (1) and sub-section (2) shall operate as a bar to the recovery by the inamdar of any sum which becomes due to him before the date of vesting by virtue of his rights as inamdar and any such sum may be recovered by him by any process of law, which, but for this Act, would be available to him.

4 Permanent tenants to be registered as occupants on certain conditions.—(1) Subject to the provisions of sub-section (2) and subject to the provisions of the Mysore Land Refoms Act, 1961 relating to ceiling, every permanent tenant of the inamdar shall, with effect from and on the appointed date, be entitled to be reegistered as an occupant in respect of all lands of which he was a permanent tenant immediately before the appointed date.

(2) In addition to the annual land revenue payable in respect of the land, a permanent tenant entitled to be registered as an occupant of any land under sub-section (1) shall be liable to pay to the State Government as premium for acquisition of ownership of that land an amount equal to twenty times the land revenue of such land and the amount of premium shall be payable in not more than ten annual instalment along with the annual land revenue and in default of such payment, the amount due shall be recovered as an arrears of land revenue due on the land in respect of which it is payable :

Provided that premium of such land shall not exceed fifteen times the difference between the rent and land revenue payable immediately before the appointed date by the permanent tenant to the inamdar :

Provided further that where a permanent tenant entitled to be registered as an occupant of land under sub-section (1), is shown as an occupant in the Settlement Register and other records prepared under the Act or where the rent paid by a permanent tenants entitled to be registered as an occupant under sub-section (1) is equal to the land revenue, no premium shall be payable under this sub-section.

5. Protected tenants to be registered as occupants on certain conditions.—(1) Subject to the provisions of sub-section (2) and the Mysore Land Reforms Act, 1961, relating to ceiling, every protected tenants of the inamdar shall, with effect from and on the appointed date, be entitled to be registered as an occupant in respect of lands

of which he was a protected teenants immediately before the appointed date.

(2) In addition to the annual land revenue payable in respect of the land, a protected tenant entitled to be registered as an occupant of any land under sub-section (1), sshall be liable to pay to the State Government as premium for acquisition of ownership of that land, an amount equal to fifty times the land revenue of such land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recovered as an arrear of land revenue due on the land in respect of which it is payable.

6. Other tenants to be tenants under State Government.— Every tenant of the inamdar other than a permanent tenant or a protected tenant shall, with effect from and on the appointed date and subject to the provisions of Chapter IV be entitled to be continued as a tenant under the State Governmeent in respect of the land of which he was a tenant under the inamdar immediately before the date of vesting.

* * * * *

7. Pujari, archak, etc., to be registered as an occupant on certain conditions.—(1) Where the inamdar is an institution of religious worship, a person—

(i) rendering religious service in or maintaining the institution as a pujari, archak, mulla, kazi, mutawalli, muthsaddi, priest or the holder of a simmilar office by whatever name called, or

(ii) rendering any service in such institution, and personally cultivating for a continuous period of not less than three years prior to the appointed date by contributing his own physical labour or that of the members of his family and enjoying the benefits of any land comprised in the inam of such institution without paying rent as such in money or in kind to that institution in respect of such land, shall, with effect from and on the appointed date and subject to the provisions of sub-section (2) and Section 31 be entitled to be registered as an occupant of such land.

(2) In addition to the annual land revenue payable in respect of the land, the person entitled to be registered as an occupant of any land under sub-section (1) shall be liable to pay to the State Government as premium for acquisition of ownership of that land an amount equal to one hundred times the land revenue of such land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recovered as an arrear of land revenue due on the landinrespect of which it is payable.

8. Lands and Buildings to vest in the holder of a minor inam.— (1) Subject to the provision of sub-section (3), every holder of a minor inam shall, with effect from and on the appointed date, be entitled to be registered as an occupant of all lands which immediately before the appointed date were included in his holding, other than,—

(i) communal lands, un-cultivated lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries, rivers, streams, tanks and irrigation works ;

(ii) lands in respect of which any person is entitled to be registered under Section 4 or Section 5 or Section 7 or is entitled to be continued as a tenant under Section 6 and also the extent of land in respect of which the said person is not entitled to be registered in view of the restrictions in Section 4, Section 5 or Section 31, as the case may be ; and

(iii) lands upon which buildings owned by any person other than the holder of the minor inam have been erected.

(2) Subject to the provisions of sub-section (3) every building situated within the limits of the minor inam and which was owned immediately before the appointed date by the holder of the minor inam shall, with effect from and on the appointed date, vest in the holder of the minor inam.

(3) Notwithstanding anything contained in any law for the time being in force, the holder of a minor inam shall not be entitled to alienate the lands or the building vesting in him under sub-section (1) or sub-section (2), except by way of a simple mortgage to a society or a bank registered under the Mysore So-operative Societies

Act, 1959 (Mysore Act 11 of 1959) or to the State Bank of India and its subsidiaries or a bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) or to a company or a corporation owned by or in which not less than fifty per cent of the share capital is held by, the State Government or the Central Government or partly by the State Government and partly by the Central Government and which has been set up with a view to provide agricultural credit to cultivators :

Provided that nothing in this sub-section shall apply to any alienation affected with the previous sanction of the prescribed authority.

9. Lands and Buildings to vest in Inamdar.—(1) Subject to the provisions of sub-section (3) every inamdar shall, with effect from and on the appointed date, be entitled to be registered as an occupant of all lands other than,—

(i) communal lands, un-cultivated lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries, rivers, streams, tanks and irrigation works ;

(ii) land in respect of which any person is entitled to be registered under Section 4, Section 5, Section 7 or Section 8 or is entitled to continue as a tenant under Section 6 and also the extent of land in respect of which the said person is not entitled to be registered in view of the restrictions in Section 4, Section 5, or Section 31, as the case may be ; and

(iii) lands upon which buildings owned by any person other than the inamdar have been erected.

(2) Subject to the provisions of sub-section (3), every building situated within the limits of the inam which was owned immediately before the appointed date in the inamdar shall, with effect from and on the appointed date, vest in the inamdar.

(3) Notwithstanding anything contained in any law for the time being in force, an inamdar shall not be entitled to alienate the land or the building vesting in him under sub-section (1) or sub-section (2) except by way of a simple mortgage to a society or a bank registered under the Mysore Co-operative Societies Act, 1959

(Mysore Act 11 of 1959) or to the State Bank of India and its subsidiaries or a bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) or to a company or a corporation owned by or in which not less than fifty per cent of the share capital is held by the State Government or the Central Government or partly by the State Government and partly by the Central Government and which has been set up with a view to provide agricultural credit to cultivators :

Provided that nothing in this section shall apply to any alienation effected with the previous sanction of the prescribed authority.

Explanation.—In this section "Inamdar" means any inamdar other than a holder of minor inam referred to in section 8.

10. Determination of claims for registration of occupancy and continuance of tenancy.—(1) A person entitled to be registered as an occupant under section 4 or section 5 or section 7 or section 8 or section 9 as the case may be, or to be continued as a tenant under section 6 may, in such form and manner as mmay be prescribed, make an application to the Deputy Commissioner within twelve months from the appointed date :

Provided that the Deputy Commissioner may on sufficient cause being shown accept such application after the expiry of twelve months but in no case he shall accept any application after the expiry of three years :

Provided further that the right of any person to be registered as an occupant shall after the expiry of the said period of three years stand extinguished and the land shall vest in the State absolutely.

(2) On receipt of the application under sub-section (1) **or suo motu,** the Deputy Commissioner shall examine the nature and history of all lands in respect of which a permanent tenant, protected tenant, the person referred to in section 7, the holder of a minor inam or an inamdar claims to be registered as an occupant under section 4 or section 5 or section 7 or section 8 or section 9 as the case may be, or in respect of which any person claims to be continued as tenant under section 6 and call for such other information as the Deputy Commissioner may consider necessary and decide the land in respect of which the claim shall be allowed.

11. Entries to be made in the record of rights.—(1) After the determination of claims under section 10, the Deputy Commissioner shall send the prescribed particulars of the decision to the officer maintaining the record of rights under the Act.

(2) On receipt of the particulars under sub-section (1) and notwithstanding anything contained in the Act, the officer concerned shall enter such particulars in the register.

12. Liability to pay land revenue to State Government.—(1) Every person who becomes entitled to be registered as an occupant under section 4 or section 5 or section 7 or section 8 or section 9, in respect of any land shall, with effect from and on the appointed date, be liable to pay to the State Government as land revenue,—

(a) in the case of an inam to which survey and settlement has been introduced under the Act, an ammount equal to the land revenue assessment fixed on such land during such survey and settlement; and

(b) in the case of an inam to which survey and settlement has not been introduced under the Act, an amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

(2) The Deputy Commissioner shall, after making such enquiry as he thinks fit, derermine the land revenue payable under clause (b) of sub-section (1).

13. Vesting of certain buildings situated in an inam.—Every private building other than buildings which vest under sections 8 and 9 situated within the limits of an inam shall, with effect from and on the appointed date, vest in the person who owned it immediately before that date.

14. Right to agricultural land used for non-agricultural purposes.—Where any land used for agricultural purposes hass been converted for any purpose not connected with agriculture, the holder of such land shall be entitled to keep the land, provided that such conversion was not void or illegal under any law in force at the time.

15. Saving of right on certain cases.—(1) Where before the appointed date an inamdar has created any right in any land which

vests in the State Government, other than land registered under section 8 or section 9 (whether by way of lease or otherwise), including rights in any mines or minerals, quarries, fisheries, forest or ferries, the transaction shall be deemed to be valid and all rights and obligations arising thereunder on or after the appointed date shall be enforceable by or against the State Government :

Provided that the transaction was not void or illegal under any law in force at the time :

Provided further that where such right was created in any land, unless it relates to land registered under section 8 or section 9, the State Government may, if in its opinion, it is in the public interest so to do, by giving notice to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date of the notice.

(2) The person whose right has been terminated by the State Government under the second proviso to sub-section (1) shall be entitled to an amount from the State Government, equal to the estimated net income of such person from the land for the unexpired portion of the period for which the right was created, having regard to all the circumstances of the case.

CHAPTER III

Determination of amount payable

16. Amount payable how determined.—The amount payable in respect of an inam shall be determined in accordance with the provisions of this Chapter.

17. Amount to be determined for inam as a whole.—The amount shall be determined for the inam as a whole and not separately for each of the interests therein.

18. Basic annual sum.—A sum, called the basic annual sum, shall be determined in respect of the inam.

19. Component parts of basic annual sum.—(1) The basic annual sum of an inam shall be the aggregate of the sums specified below, less the deductions specified in section 20 :

(i) the whole of the average net annual income derived by the inamdar during a period of five years immediately preceding the appointed date from lands in respect of which any person is entitled to be registered under section 4 or section 5 or section 8 ;

(ii) the whole of the average net annual income derived by the inamdar, during a period of five years immediately preceding the date of vesting, from lands, other than lands in respect of which any person is entitled to be registered under section 4 or section 5 or section 8 or section 9 :

Provided that,—

(a) the income from sandalwood or any other reserved forest produce shall not be included in the annual income from forests unless the right thereto was expressly conferred on the inamdar by a competent authority ;

(b) the income from royalty on minerals or from mining leases shall not be included in the annual income unless the right to such minerals or mines was expressly conferred on the inamdar by a competent authority and such right was recognised under the Act ;

(c) the income from ferries shall not be included in the annual income unless the right to such ferries was expressly granted to the inamdar by a competent authority.

(2) Where the particulars necessary to compute the average net income under clause (ii) of sub-section (1) are not available for the full period or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(3) The provisions of sub-section (1) shall, in their application to a minor inam be subject to the modification that in clauses (i) and (ii) of the said sub-section the reference to section 8 and section 9, respectively, shall be omitted.

20. Jodi, etc., to be deducted.—From the aggregate of the sums referred to in clauses (i) and (ii) of sub-section (1) of section 19, there shall be deducted—

(a) the whole of the jodi, quit-rent or other amount, if any of a like nature, payable annually by the inamdar;

(b) the average annual cost of maintenance of irrigation works incurred by the inamdar during the period of five years immediately preceding the appointed date;

(c) the average annual cost of management of the inam incurred by the inamdar during the period of five years immediately preceding the appointed date.

21. **Payment of amount.—The State Government shall, so long as the religious or charitable institution exists, pay to the inamdar every year for all the rights of the inamdar vesting in the State under this Act, the basic annual sum as a tasdik allowance.**

(2) The sum payable under sub-section (1) may be paid in such from and manner and at such time or times and in one or more instalments, as may be prescribed.

22. **Interium payment.—(1). After the appointed date and before the sums payable to the inamdar have been finally determined under sub-section (1) of section 21, the State Government shall pay to the inamdar,—**

(a) in respect of the revenue year in which the notification under sub-section (4) of section 1 is published in the official Gazette, such sum as it may, on an approximate calculation, determine to be payable to the inamdar under sub-section (1) of section 21, less the rents, if any, collected before the appointed date by the inamdar from permanent tenants or protected tenants in respect of that revenue year;

(b) in respect of each subsequent revenue year, the sum determined under clause (a), unless the data for the better calculation thereof have since become availabe, in which case the sum to be paid shall be revised by the State Government with reference to such data.

(2) After the sum payable to the inamdar under sub-section (1) of section 21 has been finally determined all interim payment made to the inamdar under sub-section (1) together with the rent, if any collected by the inamdar before the appointed date shall be adjusted towards the sum so determined ; and any deficiency shall be made good to the inamdar by the State Government and any excess shall be deducted from the sum payable to the inamdar by the State Government in any subsequent revenue year or years.
subsequent revenue year or years.

23. Deputy Commissioner to determine basic annual sum.—(1) The Deputy Commissioner shall, after giving the applicant a reasonable opportunity to make his representation in regard thereto in writing determine in accordance with the foregoing provisions the basic annual sum in respect of the inam.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which the Deputy Commissioner purposes to determine the basic annual sum.

(3) On receipt of such application the Deputy Commissioner shall furnish the data to the applicant with in such time as may be prescribed.

(4) A copy of every order passed under sub-section (1) shall be furnished to inamdar concerned and also to every applicant under sub-section (2).

CHAPTER IV

Provisions applicable to tenants under Government

24. Application of this Chapter.—The provisions of this Chapter shall apply to the tenants continued under section 6.

25. **Rent.**—Every tenant shall pay to the State Government rent which was being paid by him to the inamdar immediately before the appointed date :

Provided that such rent shall in no case exceed the maximum rent fixed under the Mysore Land Reforms Act, 1961 (Mysore Act 10 of

1962) or be less than the amount equal to the land revenue in respect of the land held by the tenant.

26. **Rights of tenants not alienable.**—Subject to the provisions of this Act, a tenant shall not be entitled to alienate the land in respect of which he continues as a tenant under section 6 except by way of a simple mortgage to a co-operative society or a bank registered under the Mysore Co-operative Societies Act, 1959 (Mysore Act 11 of 1959), or the State Bank of India and its subsidiaries or a Bank specified in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (Central Act 5 of 1970) or to a company or a corporation, owned or in which not less than fifty per cent of the share capital is held, by the State Government or the Central Government or partly by the State Government and partly by the Central Government and which has been set up to provide agricultural credit to cultivators.

27. **Rights of tenants to be heritable.**—When a tenant dies the State Government shall be deemed to have continued the tenancy to the heirs of such tenant on the same terms and conditions on which such tenant was holding the land at the time his death.

28. **Termination of tenancy.**—The tenancy of any land held by a tenant shall not be terminated unless such tenant,—

(a) has done any act which is destructive or permanently injurious to the land ; or

(b) has used such land for a purpose other than agriculture ; or

(c) has sub-let the land or assigned any interest therein except to the extent provided in section 26 :

Provided that nothing in clause (c) shall apply to sub-letting of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability.

29. **Procedure for termination of tenancy and recovery of rent.**—(1) Where a tenancy is liable to be terminated under the provision of section 28, the Assistant Commissioner shall after giving an opportunity to the tenant to show cause why his tenancy should not be terminated, by an order in writing served on the tenant, terminate the tenancy and direct the tenant to quit the land within sixty days from the date of service of the order.

(2) If any person refuses or fails to comply with an order under sub-section (1) the Tahsildar may evict that person from and take possession of, the land and may for that purpose use such force as may be necessary.

(3) Any person aggrieved by an order under sub-section (1), may within sixty days from the date of service of the order, prefer an appeal in writing to the Deputy Commissioner who may, after calling for a report from the Tahsildar and after affording a reasonable opportunity to the appellant to be heard, pass such orders thereon as he thinks fit.

(4) Any arrears of rent due from a tenant shall be recoverable as arrear of land revenue.

30. Tenant when to be registered as occupant.—(1) A tenant may, at any time after the commencement of this Act apply to the Deputy Commissioner in the prescribed manner for being registered as an occupant in respect of the land of which he is a tenant.

(2) The tenant shall be liable to pay to the State Government as premium for being registered as an occupant an amount equal to one hundred times the land revenue payable on that land. Such amount shall be payable in such number of annual instalments not exceeding ten and on or before such date as may be fixed by the prescribed authority.

(3) On payment to the State Government of such amount the tenant shall, subject to the provisions of section 31, be registered as an occupant of usch land.

(4) Notwithstanding anything contained in the preceding sub-sections, where the tenant is in possession of land in excess of the extent specified in section 31, he shall not be registered as an occupant unless he surrenders to the prescribed authority such excess extent.

(5) In respect of the land of which the tenant is registered as an occupant under this section he shall be liable to pay the land revenue and the provision of section 12 shall **mutatis mutandis** apply in this behalf.

31. The extent of land which a person may be registered as an occupant.—The extent of land in respect of which a person referred to in section 7 or section 30 shall be entitled to be registered as an occupant shall not together with any land held by him exceed four

hectares of garden or wet land possessing facilities for assured irrigation or eight hectares of rain fed wet land or dry land.

Explanation.—If a person owns more than one class of land, the extent owned by him for purposes of this section shall be determined by converting the extent of different classes of land into the equivalent extent of lands as follows :—

One hectare of garden land or one hectare of wet land possessing facilities for assured irrigation shall be deemed to be equivalent to two hectares of rainfed wet land or dry land.

CHAPTER VI

Miscellaneous

32. Disposal of lands vesting in the State Government.—Lands vesting in the State Government and in respect of which any person is not entitled to be registered as an occupant under this Act shall be disposed of in accordance with the provisions of section 77 of the Mysore Land Reforms Act, 1961.

33. Revision by the Divisional Commissioner.—The Divisional Commissioner may, at any time, call for and examine the record of any order passed by the Deputy Commissioner under section 23 and if he considers that such order is erroneous in so far as it is prejudicial to the interests of the State revenues, he may, after making or causing to be made such inquiry as he deems necessary and after giving the person or persons affected a reasonable opportunity of beinb heard, pass such order thereon as the circumstances of the case justify including an order decreasing the basic annual sum or directing a fresh determination by the Deputy Commissioner :

Provided that no such order shall be made,--

(1) where an appeal under section 36 has been preferred ; or

(2) after the expiry of four years from the date of the order sought to be revised.

Explanation.—In computing the period of limitation for the purposes of this section, any period during which any proceedings

under this section is stayed by an order or an injunction by any court shall be excluded.

34. Control by the Divisional Commissioner.—The Divisional Commissioner shall, within his jurisdiction have power,—

(a) * * *

to superintend the taking over of inams and to make due arrangments for the administration thereof ;

(b) to issue instructions for the guidance of the Deputy Commissioner ;

(c) to cancel or revise any order of the Deputy Commissioner declaring whether a particular area is part of an inam or not.

35. Revision by the State Government.—The State Government may cancel or revise any order passed by the Divisional Commissioner under section 34.

36. Appeal from orders under Sections 10, 12, 23 and 29.—(1) against any decision of the Deputy Commissioner under sections 10, 12, 23 and 29, the State Government may, within six months from the date of the decision and any person aggrieved by such decision may, within ninety days from the date of the decision, appeal to the Mysore Revenue Appellate Tribunal whose decision shall be final.

(2) If any question arises, whether any building falls within the scope of sub-section (2) of section 8 or sub-section (2) of section 9 or section 13, it shall be referred to the Mysore Revenue Appellate Tribunal, whose decision shall be final.

37. Appeal to the High Court.—(1)Any person aggrieved by an oder of the Divisional Commissioner under section 33 may appeal to the High Court within ninety days from the date on which the order was communicated to him.

(2)) The High Court shall after giving both the parties to the appeal a reasonable opportunity of being heard pass such order thereon as it thinks fit.

38. Wrong and excess payments to be recoverable as arrears of land revence.—Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him by virtue of any order passed under this Act or otherwise, the

amount which is found to be not due or which is in excess, as the case may be, which cannot otherwise be adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

39. **Enquiries by the Deputy Commissioner.**— (1) The Deputy Commissioner may, by general or special order, authorise any officer not below the rank of a Tahsildar sub-ordinate to him to hold enquiries on his behalf under this Act :

Provided that the Deputy Commissioner may in repect of any enquiry held by any such officer direct such officer to hold a fresh or further enquiry or himself hold a fresh or further enquiry, if in his opinion a fresh or further enquiry is necessary .

(2) In respect or every enquiry under this Act by the Deputy Commissioner or any officer authorised under sub-section (1), the provisions of the Act relating to a formal enquiry shall apply, as if such enquiry is a formal enquiry under the Act.

40. **Fee payable on applications, petitions, etc., under this Act.**- Notwithstanding anything contained in the Mysore Court-fees and Suits Valuation Act, 1957 (Mysore Act 16 of 1958), the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

41. **Jurisdiction of courts barred in certain cases.**—(1) No suit, prosecution or other proceeding shall lie against the State Government for any act done or purporting to be gone under this Act or any rule made thereunder.

No officer or servant of the State Government shall be liable in any civil or criminal proceedings in respect of any done or purporting to be done under this Act or any rule made thereunder, if the act was done in good faith in the course of the execution of the duties or inn the discharge of the functions imposed by or under this Act.

(3) In respect of any act done by any officer or servant of the State Government under colour or in excess of any such duty or function, on suit, prosecution or other proceedings shall lie against such officer or servant without the previous sanction of the State Government and no such suit, prosecution or other proceedings shall be instituted after the expiry of one year from the date of the act complained of.

(4) Notwithstanding anything contained in any law for the time being in force, a Civil Court shall not entertain any application or suit,—

(i) connected with any matter which has to be decided by the Deputy Commissioner under sections 10, 12, 23 and 29 of this Act; or

(ii) relating to an order made by the Divisional Commissioner under section 33;

and in respect of which a right of appeal has been conferred by section 36 or 37.

42. **Power to make rules.**—(1) The State Government may, by notification and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for,—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the procedure to be followed by the Deputy Commissioner and the officers or authorities appointed or having jurisdiction under this Act;

(c) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf is made herein;

(d) the applicationn of the provisions of the Code of Civil Procedure, 1908 and the Limitation Act, 1963, to applications, appeals and proceedings under this Act.

43. **Penalties.**—(1) If any person,—

(a) wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any orders, or

(b) offers resistance or obstruction to the Deputy Commissioner taking charge or possession of any property which is vested in the State Government under this Act; or

(c) furnishes information which he knows, or has reason to believe to be false, or does not believe to be true,

he shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Deputy Commissioner.

44. **Power to remove difficulties.—If** any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for are purpose of removing the difficulty :

Provided that no suh power shall be exercised after the expiry of a period of two years from the commencement of this Act.

45. **Laying of rules and orders before the State Legislature.—** Every rule made under section 42 and every order issued under section 44 shall be liad as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or order or both Houses agree that the rule or order should not be made, the rule or order shall from the date on which the modification or annulment is notified by the State Government in the official Gazette, have effect only in such modified from or be of on effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

APPENDIX I.

(**Vide** para 3 of the Report).

Motion in Legislative Assembly for reference of the Bill to Joint Committee :

That the Mysore (Bombay and Hyderabad areas) Religious and Charitable Inams Abolition Bill, 1972 be referred to Joint Select

Committee consisting of a total number of twenty members (fifteen from the Legislative Assembly and five members from the Legislative Council) that the concurrence of the Legislative Council be obtained therefor and that the following members of this House shall be members of the Joint Select Committee **viz.**, :—

Sriyuths—

1. S. M. Yahya,
2. Smt. Addy Saldanha,
3. Jayaprakash Shetty,
4. H. Linga Reddy,
5. P. M. Bangi,
6. Subash Asture,
7. Smt. Damayanthi Boregowda,
8. Mallikarjuna Kharge,
9. N. G. Halappa,
10. D. B. Kalmankar,
11. C. R. Saifuddin,
12. Kagodu Thimmappa,
13. V. N. Patil,
14. A. Sharanappa,
15. P. B. Patil.

APPENDIX II.

(**Vide** para 4 of the Report).

Motion in Legislative Council.

That this House concurs in the appointment of a Joint Select Committee to consider the Mysore (Bombay and Hyderabad Areas) Religious and Chartable Inams Abolition Bill, 1972 consisting of a total nnumber of twenty members (fifteen members from the Legislative Assembly and five members from the Legislative Council) and

that the following members of this House shall be members of the Joint Select Committee, **viz.**, —

Sriyuths—

1. Revana Siddappa,
2. K. Viswanatha Swamy,
3. S. R. Bommai,
4. D. Jayadevaraja Urs,
5. M. C. Perumal.

Minutes of the Sittings of the Joint Select Committee on the Mysore (Bombay and Hyderabad Areas) Religious and Charitable Inams Abolition Bill, 1972.

I

First Sitting

The Committee met on Friday the 29th September 1972 at 1 p.m.

PRESENT

Legislative Assembly

Sriyuths—

1. S. M. Yahya,
2. H. Linga Reddy,
3. P. M. Bangi,
4. N. G. Halappa,
5. Kagodu Thimmappa,
6. Jayaprakash Shetty,
7. Smt. Damayanthi Boregowda

Sri N. Hutchamasthy Gowda, Minister for Revenue,

Sri D. K. Naikar, Minister for Law.

Legislative Council

1. Sri Revana Siddappa,
2. Sri S. R. Bommai,
3. Sri D. Jayadevaraj Urs,
4. Sri M. C. Perumal.

Representative of the Department..

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Department of Law and Parliamentary Affairs

1. Sri N. D. Venkatesh, Secretary to Government, Department of Law and Parliamentary Affairs.

2. Sri M. L. Ramaswami, Joint Secretary to Government, Department of Law and Parliamentary Affairs.

3. Sri K. R. Chamayya, Under Secretary to Government, Law Departmennt.

4. Sri B. Nagesh Rao, Under Secretary to Government, Law Department.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

Sri H. Linga Reddy proposed under Rule 245 of the Rules of Procedure that Sri N. Hutchamasthy Gowda, Minister for Revenue be elected Chairman of the Committee. Sri N. G. Halappa seconded the proposal. Sri N. Hutchamasthy Gowda, Minister for Revenue was duly elected Chairman of the Committee.

The Committee had a brief general discussion about the Bill. Sri Kagodu Thimmappa desired information regarding the number of permanent tenants and the number of other tenants who would be conferred occupancy rights under the Bill in the different areas. He

also wanted to know the extent of land that would be affected by the legislation. The Chairman promised that the information would be supplied by the time the Committee met next.

The Committee then took up clause by clause consideration of the Bill.

Clause 1

Many members suggested that the entire Act should be brought into force at once in the different areas instead of conferring discretion on the Government to appoint different dates for different inams and diffffferent areas. The members expressed the fear that there would be lot of delay if the date of commencement of the Act was not spelt out in the Bill itself.

The Committee decided to reconsider this clause after the other clauses were considered.

Clause 2

Item—k

The members of the Committee felt that it would be very difficult to prove whether a tenant was a permanent tenant. Sri Kagodu Thimmappa desired that the occupancy rights conferred upon the permanent tenants may be conferred on the quasi-permanent tenant and others. The Secretary to Government, Law Department suggested that the Committee may consider the creation of one more class of tenant called 'protected tenants' conferring the same benefits on them as are conferred on the permanent tenants. The Committee agreed to the suggestion. The Committee also desired consequential changes may be made in the other clauses of the Bill.

Clause 3

The clause was adopted without any amendment.

Clause 4

The Committee decided that the amount of premium to be paid by the different classes of tenants may be as follows :

(i) Permanent Tenants—20 times the land revenue.

(ii) Protected Tenants—50 times the land revenue.

(iii) Other Tenants—100 times the land revenue.

Clause 5

The discussion on the clause was inconclusive when the Committee adjourned to meet at 10 a.m. on Saturday the 30th September, 1972.

II

Second Sitting

The Committee met at 10-00 a.m. with Sri N. Hutchamasthy Gowda, Minister for Revenue in the Chair.

The following members were present :

PRESENT

Sri D. K. Naikar (Minister for Law and Parliamentary Affairs).

Legislative Assembly

Sri S. M. Yahya

Sri H. Linga Reddy

Sri P. M. Bangi

Sri N. G. Halappa

Sri Kagodu Thimmappa

Smt. Damayanthi Boregowda

Legislative Council

Sri Revana Siddappa

Sri S. R. Bommai

Sri M. C. Perumal

Representatives of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

Sri N. B. Sakharadande, Under Secretary to Government, Revenue Department.

Representatives of the Law Department

Sri N. D. Venkatesh, Secretary to Government, Law Department.

Sri M. L. Ramaswamy, Joint Secretary to Government, Law Department.

Sri K. R. Chamayya, Under Secretary to Government, Law Department.

Sri B. Nagesh Rao, Under Secretary to Government, Law Department.

Secretariat

Sri Te. Hanumanthappa, Secretary, Mysore Legislature.

Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed discussion of clause 5.

The Chairman suggested that the Committee might consider making suitable provision in the Bill for the archaks of temples who were cultivating lands. He also felt that it would be fair if they were also treated as tenants under the Bill as they were rendering service and that they were paying something to the reserve fund. The Chairman also desired the Committee to consider the question of conferring occupancy rights on tenants immediately the lands vested in the government. The Minister for Law stated that the Bill was intended for only the tenants and that the archaks should not be treated as tenants because they were not paying any rent. The Chairman observed that if the archaks did not come under the definition of tenants then something must be done to them so that they may not be disturbed from the enjoyment of the lands they were cultivating. The Committee decided to consider the matter again.

Clause. 6

The clause was adopted without any amendment.

Clause 7

The Committee decided that cultivated lands may also be included in item (i) of sub-clause (1).

In item (i) of sub-clause (1) the Committee decided to substitute the word "uncultivated" for the word "waste".

Clause 8

The clause was adopted without any amendment.

Clause 9

The Committee decided that after the determination of the claims for registration of occupancy, the Deputy Commissioner should be made responsible for sending the particulars of the decision to the officer maintaining the record of rights instead of expecting the tenant to furnish the particulars. The Committee desired the Law Department to redraft the clause on the lines of Section 9-A of the Mysore Religious and Charitable Inams Abolition Act, 1955.

Clause 10

The Clause was adopted without any amendment.

Clause 11

The clause was adopted without any amendment.

Clause 12

The clause was adopted without any amendment.

Clause 13

Sri Kagodu Thimmappa stated that in order to gain unfair advantage, fictitious documents could be got created by the inamdar to creat certain rights saved under this clause.

The Secretary to Government, Revenue Department stated that so far as the mining leases were concerned the procedure regarding compensation was laid down in the Mines and Minerals Act and that in respect of the forests, on production of the proof relating to the

transaction with respect to specific trees and specific areas the clause could provide for refund of the proportionate amount. The Secretary to Government, Law Department also stated that once the right was established, for termination of the right reasonable compensation had to be paid. The clause was held over.

Clause 14

The clause was adopted without any amendment.

Clause 15

The clause was adopted without any amendment.

Clause 16

The clause was adopted without any amendment.

Clause 17

Sri P. M. Bangi suggested that in this clause lands which the protected tenants are entitled to be registered should also be included. The Committee decided to insert the words "or in respect of lands coming under section 5 in 17(i) and 17(ii)".

Clause 18

The clause was adopted without any amendment.

Clause 19

The clause was adopted without any amendment.

The Committee adjourned at 1-00 p.m. to met at 2-00 p.m. on 23rd October 1972.

III

Third Sitting

The Committee met on Monday the 23rd October, 1972 at 2-00 p.m. with Sri N. Hutchamasthy Gowda, Minister for Revenue in the Chair.

The following members were present :

PRESENT

Sriuyths :—

1. D. K. Naikar (Minister for Law and Parliamentary Affairs).

Legislative Assembly

2. S. M. Yahya,
3. Smt. Addy Saldanha,
4. Jayaprakash Shetty,
5. H. Linga Reddy,
6. P. M. Bangi,
7. Subash Asture,
8. Smt. Damayanthi Boregowda,
9. Mallikarjuna Kharge,
10. N. G. Halappa,
11. D. B. Kalmankar,
12. Kagodu Thimmappa,
13. V. N. Patil,
14. A. Sharanappa,
15. P. B. Patil.

Legislative Council

16. Revana Siddappa,
17. K. Viswanatha Swamy,
18. S. R. Bommai,
19. D. Jayadevaraja Urs,
20. M. C. Perumal.

(Representative of the Department)

Sri K. Balasubramanyam, Secretary to Government, Revenue Department.

(Representatives of the Department of Law and Parliamentary Affairs)

Sriyuths—

1. N. D. Venkatesh, Secretary to Government, Law Department.
2. M. L. Ramaswamy, Joint Secretary to Government, Law Department.
3. K. R. Chamayya, Under Secretary to Government, Law Department.
4. Sri B. Nagesha Rao, Under Secretary to Government, Law Department.

Secretariat

Sriyuths—

1. Te. Hanumanthappa, Secretary, Mysore Legislature.
2. M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed discussion of the clauses of the Bill.

Clause 20

The clause was adopted without any amendment.

Clause 21

Under sub-clause (1) the Deputy Commissioner has to determine the basic annual sum payable to the inamdar every year after giving a reasonable opportunity to the aplicant to make his representation in wriiting or orally.

The Committee decided to omit the words 'or orally' in sub-clause (1).

Under sub-clause (3) the Deputy Commissioner is required to communicate the date on the basis of which, he determines the basic annual sum to the inamdar or any person interested.

The Committee decided that the data should be furnished within such time as may be prescribed.

For the word 'communicated' in sub-clause (4), the Committee decided to substitute the word 'furnished'.

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Clause 22

Sri V. N. Patil and some other members questioned the property of giving review power to the Deputy Commisssioner after once he determines the basic annual sum as it was felt that such **Suo Motu** review power may be abused by the officer

Sri S. R. Bommai felt that the power of review was necessary on the ground that if some important piece of evidence was not available at the time of determination of the basic annual submit could be produced later and the orders of the Deputy Commissioner could be got reviewed.

The Secretary to Government, Revenue Department stated that the power of review was not given when there was a right of appeal.

The Committee, therfore, decided to recast this clause giving power of revision to the Divisional Commissioner if interests of the State were affected with a right of appeal against the orders of the Divisional Commissioner to the High Court.

The Committee desired the Law Department to draft a suitable amendment.

Clause 23

The clause was adopted without any amendment.

Clause 24

The clause was adopted without any amendment.

Clause 25

The Committee felt that the explanation to the clause came in conflict with personal laws and therefore, the Committee decided to substitue a provision as in the amendment proposed to sectoin 24 of the Mysore Land Reforms Act, 1961.

Clause 26

The Committee decided to add the following words at the end of sub-clause (2) before the proviso :—

'except to the extent provided in section 24'.

Clause 27

The Committee noted that the wording of sub-clause (1) was not in terms with the wording in clause 26 and therefore decided to recast the clause and desired the Law Department to draft it suitably.

The Committee further decided to substitute 'sixty days' for the words 'one month ' in sub-clause (1) and sub-clause (3).

Clause 28

The clause was adopted without any amendment.

The Committee adjourned at 5-00 p.m. to meet at 1-00 p.m. on Tuesday the 24th October, 1972.

Fourth Sitting

The Committee met on Tuesday the 24th October, 1972 at 1-00 p.m. with Sri N. Hutchamasthy Gowda, Minster for Revenue in the Chair.

The following members were present :

PRESENT

Legislative Assembly

Sriyuths—

1. D. K. Naikar (Minister for Law and Parliamentary Affairs). Legislative Assembly
2. S. M. Yahya,
3. Smt. Addy Saldanha,
4. H. Linga Reddy,
5. P. M. Bangi,
6. Subash Asture,
7. Smt. Damayanthi Boregowda,
8. Mallikarjuna Kharge,
9. N. G. Halappa,
10. D. B. Kalmankar,
11. C. R. Saifuddin,

Sriyuths :

12. Kagodu Thimmappa,
13. V. N. Patil,
14. A. Sharanappa,
15. P. B. Patil.

Legislative Council

16. Revana Siddappa,
17. K. Viswanatha Swamy,
18. S. R. Bommai,
19. D. Jayadevaraja Urs,
20. M. C. Perumal.

(Representative of the Department)

Sri K. Balasubramanyam, Secretary to Government, Revenue Department.

(Representative of the Department of Law and Parliamentary Affairs)

1. Sri N. D. Venkatesh, Secretary to Government, Department of Law and Parliamentary Affairs.
2. Sri M. L. Ramaswamy, Joint Secretary to Government, Department of Law and Parliamentary Affairs.
3. Sri K. R. Chamayya, Under Secretary to Government, Department of Law and Parliamentary Affairs.
4. Sri B. Nagesh Rao, Under Secretary to Government, Department of Law and Parliamentary Affairs.

(Secretariat)

Sri Te. Hanumanthappa, Secretary, Mysore Legislature.

Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed discussion of the Clauses of the Bill.

Clause 29

This clause deals with conferment of rights in certain lands on the inamdar.

Sri N. G. Halappa wanted to know the rights that were being contemplated to be conferred on the inamdar when inams were abolished. The Chairman explained that this was an enabling section in any case that might arise.

The Secretary to Government, Revenue Department stated that such a power had not been exercised so far in the old Mysore area and therefore, the clause could be deleted. He also stated that the Government being the owner could confer any right on an inamdar.

The Committee agreed to delete the clause.

Clause 30

Under this clause, the Divisional Commissioner has power, among others, to give effect to the provisions of the Act, Sriyuths : N. G. Halappa, D. B. Kalmankar and others objected to the use of the words 'to give effect to the provisions of the Act'.

The Committee decided to omit the words 'to give effect to the provisions of the Act and in particular,' in item (a) of this clause.

Items (b) and (c) were adopted without any amendment.

Clause 31

Under this clause, the Government may cancel or revise any order passed by the Divisional Commissioner under clause (c) of section 30.

The Committee decided to omit the words 'clause (c) of in this clause.

Clause 32

This clause provides for appeals from orders under sections 8, 10, 21, 22 and 27.

Sri V. N. Patil suggested that thirty days time given for preferring an appeal for an aggrieved person was not enough and it should be enhanced to ninety days.

Sri H. C. Linga Reddy desired that six months time allowed to Government to prefer an appeal may be cut down to the same period as was given to an aggrieved party.

The Secretary to Government, Revenue Departmennt stated that if time was to be cut down for Government to file an appeal; there were chances of the Government losing revenue and that what was a loss to Government was an indirect loss to the people.

The Committee, therfore, decided to only change the period of time given for preferring an appeal for an aggrieved person from thirty days to ninety days.

The proviso to this clause provides that the Revenue Appellate Tribunal, on sufficient cause being shown, allow further time not exceeding three months for filing an appeal.

The Committe decided that the State Government may make rules under section 37 (2) (a) applying the provisions of sections 4, 5 and 12 of the Limitation Act, 1963.

Clause 33

This clause was adopted without any amendment.

Clauses 34 and 35

These clauses were adopted without any amendment.

Clause 36

Under sub-clause (4), no suit, prosecution or other proceedings shall be instituted against any officer or servant of the State Government for any act done or purporting to be done under this Act or any rule made thereunder after the expiry of a period of six months from the date of the Act complained of.

Sri V. N. Patil suggested that the period of six months fixed in this clause may be extended to one year. The Committee agreed to the suggestion. The clause was adopted with this amendment.

Clauses 37 ad 38

These clauses were adopted without any amendments.

The Committee adjournend at 2-30 p.m. to meet on 15th November, 1972.

Fifth Sitting

The Committee met on Wednesday the 15th November 1972 at 2-00 p.m. with Sri Hutchamasthy Gowda, Minister for Revenue in the Chair.

The following members were present.

PRESENT

Legislative Assembly

Sriyuths—

D. K. Naikar (Minister for Law)
S. M. Yahya,
Smt. Addy Saldanha,
Jayaprakash Shetty,
H. Linga Reddy,
Subash Asture,
Smt. Damayanthj Boregowda,
Mallikarjuna Kharge,
N. G. Halappa,
D. B. Kalmankar,
Kagodu Thimmappa,
V. N. Patil,
A. Sharanappa,

Legislative Council

Revana Siddappa
K. Viswanathaswamy
S. R. Bommai
D. Jayadevaraj Urs
M. C. Perumal

Representatives of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

Representatives of the Law Department

Sri N. D. Venkatesh,
Secretary to Government, Law Department.

Sri M. L. Ramaswamy,
Joint Secretary to Government, Law Department.

Sri K. R. Chamayya,
Under Secretary to Government Law Department.

Sri B. Nagesha Rao,
Under Secretary to Government, Law Department.

Secretariat :

Sri Te. Hanumanthappa,
Secretary, Mysore Legislature.

Sri M. Subba Rao,
Under Secretary, Mysore Legislature.

The Committee resumed discussion of the clauses of the Bill.

Clauses 39 and 40.—The clauses were adopted without any amendment.

Clause 1.—The Committee took up the further consideration of clauses (1) which had been held over.

Sri Kagodu Thimmappa suggested that the entire Act should be given effect to on one particular date throughout the State instead of bringing the Act into effect at different times in different areas. Sriyuths V. N. Patil and Jayadevaraj Urs suggested that 26th January 1973 or 15th August 1973 could be definitely mentioned in the Bill. The Secretary to Government, Revenue Department stated that it would not be possible to make a definite commitment on the lines suggested by the members in view of the practical difficulties involved in

getting through the Bill at several stages. The Secretary to Government, Law Department added that it was not usual to put a date in the Bill as desired by members from the drafting point of view. The Committe after deliberation decided that the entire Act should be brought into force in all areas of the State on such date as the Government may specify by notification. The Chairman, however, promised that the Act would be brought into force as early as possible.

Clause 5.—The Committee considered the question of making a suitable provision for the archaks who were cultivating the land themselves in addition to performing the pooja. The Committee decided that a special provision may be made starting that the archaks who were cultivating the land themselves would get the occupancy rights and in turn they will pay land revenue to Government.

The Committee adjourned at 4-00 p.m. to meet at 10-30 a.m. on 28th November 1972 to consider the draft report.

Sixth Sitting

The Committee met on Tuesday the 28th November 1972 at 10-30 a.m. with Sri Hutchamasthy Gowda, Minister for Revenue, in the Chair.

The following members were present:

PRESENT

Sriyuths.—

1. D. K. Naikar (Minister for Law and Parliamentary Affairs).

Legislative Assembly

2. Smt. Addy Saldanha.
3. H. Linga Reddy.
4. Smt. Damayanthi Boregowda.
5. V. N. Patil.

Legislative Council

1. Revana Siddappa.
2. S. R. Bommai.
3. M. C. Perumal.

Representative of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government Revenue Department.

Representatives of the Law Department

1. Sri N. D. Venkatesh, Secretary to Government, Law Department.

2. Sri M. L. Ramaswamy, Joint Secretary to Government, Law Department.

3. Sri K. R. Chamayya, Under Secretary to Government, Law Departmemnt.

4. Sri B. Nagesh Rao, Under Secretary to Government, Law Department.

Secretariat

Sri Te. Hanumanthappa, Secretary, Mysore Legislature.

Sri M. Subba Rao, Under Secretary, Mysore Legislature.

With reference to certain points raised by Sri V. N. Patil, the committee decided that the factual position in the Hyderabad Area may be ascertained and placed before the Committee for its consideration.

The Chairman agreed to get the information collected and place it before the Committee at its next meeting.

The Committee adjourned to meet at 10-00 a.m. Wednesday the 6th December 1972.

Seventh Sitting

The Committee met on Wednesday the 6th December 1972 at 10.a.m. with Sri N. Hutchamasthy Gowda, Minister for Revenue, in the Chair.

The following members were present :

Present

Sriyuths.—

1. D. K. Naikar (Minister for Law and Parliamentary Affairs).

Legislative Assembly

2. P. M. Bangi.
3. Kagodu Thimmappa.
4. V. N. Patil.
5. Smt. Addy Saldanha.
6. Smt. Damayanthi Boregowda.

Legislative Council

1. Revana Siddappa.
2. D. Jayadevaraja Urs.
3. M. C. Perumal.

Representatives of the Department

Sri K. Balasubramanyam, Revenue Commissioner and Secretary to Government, Revenue Department.

Representatives of the Law Departmment

1. Sri N. D. Venkatesh, Secretary to Government, Law Department.

2.Sri M. L. Ramaswamy, Joint Secretary to Government, Law Department.

3. Sri R. Chamayya, Under Secretary to Government, Law Department.

4. Sri B. Nagesha Rao, Under Secretary to Government, Law Department.

Secretariat

1. Sri Te. Hanumanthappa, Secretary, Mysore Legislature.
2. Sri M. Subba Rao, Under Secretary, Mysore Legislature.

The Committee resumed discussion on the matters left over.

The Committee decided that the extent of land in respect of which a permanent tenant or a protected tenant may be registered as an occupant should not be more than the ceiling limits specified in the Mysore Land Reforms Act, 1961. The Committee further decided that the extent of land in respect of which a Poojari, Archak etc., and a person continued as tenant under the Government shall be entitled to be registered as an occupant should not together with any land held by him exceed four acres of garden or wet land possessing facilities for assured irrigation or eight hectares of rainfed wet land or dry land.

The Committee decided that the land vesting under the State Government and in respect of which any person is not entitled to be registered as an occupant or continued as a tenant shall be disposed of by the State Government in accordance with the provisions of section 77 of the Mysore Land Reforms Act, 1961.

In respect of clause 13, the Committee after consideration of all aspects decided that no modifications be made in the said clause.

The Committee adopted their report and the Bill as revised in accordance with the decisions taken.

Te. Hanumanthappa,
Secretary.

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